UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Agustin SOLIS-Valencia** Defendant.	Magistrate Case No. 08 MJ 0939 COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Attempted Entry After Deportation

The undersigned complainant being duly sworn states:

On or about **March 25, 2008**, within the Southern District of California, defendant **Agustin SOLIS-Valencia**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California, Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence this **27TH** day of **March, 2008.**

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On March 25, 2008 at approximately 9:35 PM., **Agustin SOLIS-Valencia (Defendant)** attempted to enter the United States after deportation via the vehicle primary lanes of the San Ysidro, California Port of Entry. Defendant was one of five undocumented aliens found concealed under a black cloth in the rear cabin area of a 2006 Chevrolet Silverado driven by Johnny Martin Hood. A United States Customs and Border Protection (CBP) Canine Enforcement Officer (CEO) discovered Defendant and other concealed aliens while conducting pre-primary operations with his Human/Narcotics Detection Dog. The vehicle and its occupants were subsequently escorted to secondary for further inspection.

In secondary, Defendant was queried by 10-digit fingerprint and photograph comparison through the Automated Biometric Identification System (IDENT) and the Integrated Automated Identification System (IAFIS). IDENT/IAFIS returned a match to the query, identifying Defendant as a deported alien and citizen of Mexico. Defendant was also linked to FBI and Immigration Service records.

Immigration Service records checks including the Deportable Alien Control System (DACS) identify Defendant as a deported alien. DACS information indicates that Defendant was ordered deported by an Immigration Judge on or about February 28, 2008 and was physically removed to Mexico through Nogales, Arizona on the same date. Immigration Service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security to legally re-enter the United States.

SIGNATURE OF COMPLAINANT
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

UNITED STATES MAGISTRATE JUDGE